REMARKS

This Amendment is in response to the Office Action mailed January 31, 2003. Claims 1-16 remain pending, and Claims 1, 6, 13 and 15 have been amended.

In a final rejection, the Examiner has rejected Claim 13 under 35 USC 112. The Examiner has also rejected Claims 1-16 under 35 USC 103 as being unpatentable for being obvious over U.S. Patent 5,889,843 (Ji et al.) in view of U.S. Patent 5,862,322 (Anglin et al.). Applicants have amended Claims 1, 6, 13 and 15, for the sake of clarity and to overcome informalities and indefiniteness, and all of these claims and any of their dependent claims are believed allowable over the cited prior art. Allowance of Claims 1-16 and reconsideration of the rejections are hereby requested.

Regarding this rejection under 103 for unpatentabilty for obviousness of pending Claims 1-16, Applicants maintain the arguments presented in the Applicants' response filed 11/26/02 but have amended Claims 1, 6, and 15 to address the Examiner's concern regarding the patentable weight of "backup or restore operations," which are important aspects of Applicants' invention. In order to clarify Applicants' invention amending language has been added to each of these independent claims, and therefore such limitations are also imported into each of the dependent claims. Accordingly, Applicants respectfully submit that the obviousness rejection for the amended claims is unwarranted.

In view of the arguments above, Applicants respectfully assert that Ji et al. in view of Anglin et al. does not render Applicants' claims obvious, because it fails to meet the requirements for obviousness. Applicants further respectfully assert that this rejection under 103 for unpatentability should be removed for pending Claims 1-16.

For the reasons given above, Applicants respectfully suggest that Claims 1-16 are now in condition for allowance. Accordingly, notice of allowance of these claims is hereby respectfully requested.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned, "Version with Markings to Show Changes."

Any fee due for this Amendment may be charged to Deposit Account No. 05-0889. Should the Examiner feel that a telephonic discussion may assist in furthering this matter toward issuance in due course or should the Examiner have concerns or questions, then the Examiner is invited to call the practitioner listed below at the number given.

Respectfully submitted,

April 9, 2003
Date

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VERSION WITH MARKINGS TO SHOW CHANGES

In The Claims

Please amend claims 1, 6, 13 and 15 as follows:

1. (Four times amended) A system having first and second processes residing on first and second computers used with backup or restore operations, wherein each of said first and said second computers are in communication with a data storage system storing data from at least said first and second computers and a network, said system comprising:

at least one first communication mechanism residing on both said first and second computers for facilitating communications between said first and second processes that are each used with backup or restore operations over said network;

a second communication mechanism residing on both said first and second computers facilitating communication between said first and second processes through said data storage system; and

means, within said first and second processes, for allowing said first and second processes to determine whether a communication from said first and second processes is from first or second communication mechanism, wherein, in response to determining if a communication is from said first communication mechanism then communicating over said network and in response to determining if a communication is from said first communication mechanism then communicating through said data storage system.

6. (Twice amended) A method for assisting with backup and restore operations in a computer system, the method comprising:

(a)   establishing at least one first connection over a network, between first and

second processes <u>that are each used with backup or restore operations and that are each</u> residing on different computers, wherein said first connection is configured to be responsively used for communication over a network; and

(b)　establishing, in parallel with establishing said at least one first connection, a second connection, through a data storage system, between said first and said second processes, wherein said second connection is configured to be responsively used for communication over said data storage system.

13.　(Twice amended) The method of claim 12, wherein step (b) further comprises the steps of:

receiving information about a group of resources in said data storage system;

in response to receiving information about said group of resources, creating a fourth pair of communication mechanism [dynamically], wherein said fourth pair includes a first communication mechanism and a second communication mechanism; and

connecting said first communication mechanism and said second communication mechanism of said fourth pair of communication mechanism to each other through said data storage system.

15. (Twice amended) A method for assisting with backup and restore operations in a computer system, the method comprising:

establishing a connection, over a network, between a first process and a second process <u>that are each used with backup or restore operations and that are each</u> residing on different computers;

receiving information about a dynamically created communication mechanism over the established connection;

establishing a second connection over the network, on the dynamically created communication mechanism, between said first and second processes;

identifying resources on a data storage devices to be used in order to transfer information through said storage device; and

establishing a connection between said first and second processes through said data storage system.